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ABSTRACT

This report argues that the struggle for racial justice in the public schools is taking on a new focus; that the issues have now become the treatment of minority students within "desegregated" systems and the use of suspensions, tracking, and unofficial exclusion to discriminate against these students. In no other area than that of suspensions has it been considered so easy for principals and teachers to take advantage of ambiguity in school rules and discriminate against minority children. Data from a Children's Defense Fund survey are said to show that, at the high school level, black students are suspended three times as often as white students, and Puerto Rican students, twice as often. Indefinite suspension, it is stated, is not the only way of forcing blacks out of the regular school system. An equally effective tactic is to place a suspended student in a "special" school within the system. Many school systems group students on the basis of standardized tests (often given during early elementary school) or teacher evaluations of academic performance, thus separating black and white students. It is noted that unofficial exclusion is the process by which school officials manage to keep non-white students out of "white" activities. For school officials anxious to combat this situation, any number of practical measures are held to be available. (Author/JM)

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Teachers College, Columbia University August, 1975

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Institute for Urban and Minority Education

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Public Schools and the New Segregation Struggle

by Nicolaus Mills

Twenty years after the Supreme Court's *Brown* decision and ten years after the Civil Rights Act of 1964, segregation remains a way of life in America's public schools. The formal abolition of the South's dual school system has not led to integration on a nation-wide basis, nor even stopped re-segregation in the 11 states of the Old Confederacy. Data from the Office for Civil Rights show that over 45 percent of the country's black students are still in schools where enrollment is at least 80 percent minority students; and in the 20 cities containing one-third of the nation's black students, over 81 percent are in schools where enrollment is over 80 percent minority.[1]

These figures and the even grimmer on-the-scene reports of desegregation attempts in Northern cities such as Boston should not, however, obscure the fact that the struggle for racial justice in the public schools is taking on a new focus. Desegregation *per se* is no longer the primary matter of contention. Now the issue has become the treatment of minority students within "desegregated" systems and the use of suspensions, tracking, and unofficial exclusion to discriminate against these students.

The battle over these three tools of the new segregation promises to be as difficult as the battle for jobs and housing that followed the civil rights movement. Yet, for the moment there is at least one bright spot. The same Supreme Court that, for all practical purposes, reinforced the old segregation by ruling in the Detroit school-bus case that the suburbs may exempt themselves from the racial problems of the inner city has shown itself willing to act against the new segregation.

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Discriminatory Suspensions

Suspensions: In no other area has it been so easy for principals and teachers to take advantage of ambiguity in school rules and discriminate against minority children. Data from a Children's Defense Fund survey show that at the high school level black students are suspended three times as often as white students and Puerto Rican students twice as often. Information gathered by the Office for Civil Rights confirms this pattern. As the following table shows, the most common situation is one in which minority suspensions are far in excess of minority enrollment.[2]

City	Minority Enrollment	Minority Suspensions
New York	64.4%	85.9%
Houston	56.4%	71.0%
Cleveland	59.9%	70.8%
Memphis	58.0%	70.2%
Dallas	49.4%	68.5%

In the South, particularly in school districts undergoing the pains of court-ordered desegregation, the pattern of discriminatory suspensions has been especially flagrant. For example, the Gulf County School District of Northern Florida has been ordered by the Fifth Circuit Court to establish clear standards of discipline and to end racially-prejudiced suspension procedures. Blacks constitute only 28 percent of the County's high school population; yet they are suspended from Port St. Joe High in Gulf County more than twice as often as whites. In the first year of desegregation, the 276 black students at Port St. Joe High suffered 185 suspensions, while only 97 of the 710 white students were suspended. The expulsion figures for Port St. Joe High are even more telling. During the four-year period studied by the Fifth Circuit Court, only one white student was ever expelled. Twenty-two black students were expelled during the same years. Of these expulsions, 11 were because of interracial strife; yet in only one case was a white student deemed at fault.[3]

The Gulf County example is not a rare exception. The figures for that County are similar to those for other areas of the South. In Norfolk, Virginia, for example, prestigious Maury High has a student enrollment which is 48 percent black. Yet, in 1970-71, 96 percent of the suspensions involved black students. In Columbia, South Carolina, during the first three months of one troublesome school year, 741 black students were suspended as compared to 267 white students. Moreover,

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the suspensions are frequently just the tip of the iceberg. Often they are a tool for forcing black students out of the regular school system. In Montgomery, Savannah, and New Orleans, school principals have made extensive use of a procedure known as "indefinite suspension," which allows a suspended student to return to school only when the principal decides to readmit him. Students "indefinitely suspended" are thus kept out of class for long periods of time and may be discouraged from ever returning.

"Special" Schools

Indefinite suspension is not the only way of forcing blacks out of the regular school system. An equally effective tactic is to place a suspended student in a "special" school within the system. A 1972 survey, conducted by The Alabama Council on Human Relations, the Delta Ministry, the American Friends Service Committee and others, found "special" schools in Little Rock and Savannah serving this function. Reportedly, more Southern cities are making similar plans.[4]

Unfortunately, the suspension strategy followed by so many Southern schools is not unique to the South. The figures cited earlier attest to this fact. So does the *Goss v. Lopez* case which originated in Columbus, Ohio after a series of confrontations between black and white students which resulted in the suspension of numerous black students without notice or hearing. Thus, a Northern city incident led to the Supreme Court's historic ruling that a student may not be suspended from school without due process.

Even in New York City, where state and Board of Education laws protecting students from arbitrary suspension are among the best in the country, suspension has been used in a discriminatory and high-handed manner. A year ago pupils at one junior high in the Bronx were given the choice of being paddled or suspended. Even after they chose paddling, many were still suspended. As for "regular" suspensions in New York City, a 1971 study by the New York Civil Liberties Union (during 1969-70, 14,000 students were suspended from New York schools) found that in *every* case it checked the suspension violated either state law or Board of Education rules. Seventy-seven percent of the students were suspended for illegal reasons. In almost every case, neither the student nor his parents were given a specific reason for the expulsion, although the Board of Education requires such notice.[5]

Segregated Grouping

Tracking: By grouping students on the basis of standardized tests (often given during early elementary school) or teacher evaluations of academic performance, many school systems have been able to separate black and white students, even though they attend classes in the same building. In the South particularly, tracking has led to a second generation racism in which black students once again find themselves in inferior, segregated classes. In 1972, investigators compiling the desegregation report, *It's Not Over in the South,* found one-race classrooms throughout the cities of the Old Confederacy. Even in schools where the chances for racial balance were good, segregated tracking was common. At a 60 percent white high school in South Carolina, for example, 20 of 34 English classes were 80 percent white or black. Of these 20 classes, 13 were composed of 90 percent of one race. Moreover, as is typical in the South, the fast, college-preparatory classes were for whites, while the slow classes were for blacks.[6]

In a case involving Mississippi's Tate County School District, the Fifth Circuit Court recently ruled that tracking may not be used by a school district that previously operated a dual school system without provision for a period of time sufficient to assure that the underachievement of slower students is not due to prior segregation. Consequently, in the South, there is a legal basis – although one implicitly limited by time – for attacking a good deal of the tracking now going on. For the North, however, no such legal framework exists even though some of the worst tracking goes on in Northern schools.

New York Practices

Politically "liberal" New York City, with a school population of over one million students – 380,000 white, 700,000 black or Hispanic – provides a case in point. The jewel of the city's secondary school system remains its elite academic high schools, which admit students on the basis of competitive exams and provide them with a college-preparatory education.

"In every case the suspension violated either state law or Board of Education rules."

In these schools, the majority-minority ratio of New York's public school population is reversed. They are a striking confirmation of the inferior early education of nonwhite students and the learning problems which such students bring with them from home. To cite three examples: Office for Civil Rights figures show that at Bronx High School of Science, 2,407 of the 3,161 students are white; at Brooklyn Technical High, 3,491 of the 5,651 students are white; at Stuyvesant, 1,801 of the 2,436 students are white.[7]

The tracking pattern reflected by New York City's elite high schools persists in regular high schools as well. In a study of Brooklyn's James Madison High, Bruce Porter found that the 900 blacks and 50 Puerto Ricans who make up 34 percent of the schools 2,800 enrollment rarely meet white students. At Madison, "G" (for general) classes are overwhelmingly black, while regular and honors sections are mostly white. As Porter observed, where education is concerned, James Madison High "is not one school but actually two." Blacks and whites can go there four years and never see each other in class except for ten minutes a day in homeroom and one semester of hygiene. For Porter, the difference between an honors class, where a student might do calculus, and a "G" class, where he worked on arithmetic, was more than a matter of subject. In contrast to the college-bound honors students, the "G" students knew they were marking time, and their class hour was generally spent ignoring the teacher or creating a disturbance.

But what would the "G" students get if they paid attention? As in most cities, the lower tracks in New York's schools are

essentially custodial operations, and the vocational tracks provide little help with jobs. Even in schools that, unlike Madison, have a majority of nonwhite students, the vocational emphasis is of little use. At Seward Park High, for example, only 20 percent of the school's Lower East Side residents are white and the vocational track might best serve the majority of students. Yet the machinery in the vocational program is out of date, and the school has not introduced courses like computer-operating into the curriculum.[8]

Discriminatory Exclusions

Unofficial exclusion: In terms of the new segregation, unofficial exclusion is the icing on the cake. Yet the process by which school officials manage to keep nonwhite students out of "white" activities should not be overlooked, for it is instrumental in preventing students of both groups from knowing each other. The investigators for *It's Not Over in the South* were able to cite case after case of Southern school officials manipulating rules in order to assure white control of student councils. Ironically the councils were often a secondary concern in comparison with extracurricular activities surrounding football. Indeed, in no other nonacademic area are examples of school officials bending rules and encouraging discrimination more common. It may be all right to field an integrated football team, but a racially-mixed band – above all, black and white cheerleaders – remain a problem in the South. The sad part is that the North is not far behind in any of these abuses. In his report on James Madison High, Bruce Porter found major extracurricular activities even more segregated than classes. Not only were the two most prestigious girls' groups, the Twirlers and Cheerleaders segregated (only two of the 14 girls were black), but so was the newspaper (which chose its editors from the junior honors English class), and the yearbook.[9]

Difficulties of Resolution

Will the new segregation in the schools prove as difficult to remedy as the old? At this point no accurate prediction is possible. Even with recent court rulings on suspension and tracking, no quick solution to this elusive racism is in sight. Yet, for school officials anxious to combat the situation, any number of practical measures are available. Suspensions, for example, could be dealt with by an ombudsman who would be available to hear the parties involved. The ombudsman would be neither a school official nor a student representative but someone chosen by both. The value of his office would be its impartiality and his ability to make binding decisions before an incident could fester.

Tracking is a more difficult problem as long as non-white students enter school with learning problems or receive an inferior elementary education. But even without changes in these two areas, it is still possible for school officials to develop tests that reveal potential instead of only previous educational experience. For example, New York's prestigious Hunter High has reversed its admissions policy to take in 20 to 25 percent of its class on the basis of academic promise rather than raw test scores. The result has been an important rise in black and Puerto Rican enrollment without loss in overall academic standing. As for the practice of unofficial exclusion, since school officials have tacitly and overtly encouraged it, they are in the best position to stop it. Lifting admission barriers to school clubs is an easy first step, and so is setting aside a period in the middle of the school day in which students can come together for an activity of their own choosing.

The question is really whether or not school officials are prepared to start taking such steps. Certainly, none of these measures promises to end racism in the public schools. But it is enough if they begin to erode the second generation discrimination which affects the nation's education system as adversely as that with which the Supreme Court first dealt twenty years ago. □

FOOTNOTES

1. U.S. Department of Health, Education, and Welfare, Office for Civil Rights, *Title VI of the Civil Rights Act of 1964 – Ten Years Later* (July, 1974), pp. 3-18.
2. Figures cited in *Children Out of School in America* by the Children's Defense Fund (October, 1974), p. 130.
3. *Jackson v. Gulf County School Board,* in The U.S. Court of Appeals for the Fifth Circuit, pp. 6-15.
4. Alabama Council on Human Relations et al., *It's Not Over in the South* (May, 1972), pp. 78-81.
5. Metropolitan Applied Research Center, Inc., *Corporal Punishment and School Suspensions: A Case Study* (November, 1974) pp. 26 - 28.
6. Alabama Council on Human Relations et al., *Its Not Over in the South,* pp. 109-111.
7. Figures based on 102 Forms in the Office for Civil Rights, New York City.
8. Bruce Porter, "It was a Good School to Integrate," *The New York Times Magazine* (February 9, 1975), pp. 15 - 28. Pablo Guzman, "Seward Park," *The Village Voice* (February 10, 1975), p. 8.
9. Alabama Council on Human Relations et al., *It's Not Over in the South,* pp. 66 - 71. Bruce Porter, "It was a Good School to Integrate," p. 15.

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